IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TEASTAMENTARY & INTESTATE JURISDICTION

TESTAMENTARY SUIT NO.8 OF 2002

IN

PETITION NO.895 OF 2001

...

S.G.Bhavsar ...Deceased

Smt.Sandhya Sunil Bhavsar ...Plaintiff

v/s.

Smt.Tulsibai G. Bhavsar ...Caveator

...

Plaintiff in person.

None for the Defendant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 21ST JULY, 2006

P.C.:

The Plaintiff appears in person. Otherside is absent. The Plaintiff has examined the witness by name Mr.Sadashiv Mahadeo Kunte, who has proved the Will. He stated that the deceased Mr.Sunil Bhavsar had dictated the Will in his presence and advocate Mr.Hemant Pathak had reduced the same into writing in his presence and that the testator had signed the will in his presence. Thus the Will has been proved. The Defendant has not cross-examined the witness. Therefore, accepting the testimony of the witness, the suit is granted in terms of prayer clauses of the Suit.

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Testamentary Suit No.8 of 2002

DEPOSITION OF WITNESS NO.1 FOR THE PLAINTIFF.

I DO HEREBY STATE ON SOLEMN AFFIRMATION THAT:

My name is: Sadashiv Mahadeo Kunte
Age: 57 years
Occupation: Retired
Address:

Examination by the Court

1. I was knowing Mr.Sunil Bhavsar. I used to know him because his wife and my wife were classmate. On 20-6-1999, Mr.Sunil Bhavsar had called me at his residence and therefore in the morning of that day I was present at his residence. He used to reside at Dombivali. Apart from myself and Sunil Bhavsar, one Dhananjay Chachad was also present. I know Mr.Dhananjay Chachad. He was also friend of Mr.Sunil Bhavsar. Mr.Hemant Pathak, advocate was also present.

2. Mr.Sunil Bhavsar, in my presence, had dictated his will to lawyer Shri Pathak and accordingly Mr.Pathak reduced it into writing.

3. In my presence Mr.Sunil signed the Will. I also signed the Will as a witness. Mr.Dhananjay Chachad also signed the Will in my presence. At that time Mr.Sunil was fully conscious, though he was suffering from Cancer. He was in a position to take a decision and understand things.

4. If the original document is shown to me, I will be able to identify the document and signatures on that documents.

5. (Witness is shown the original document dated 20-6-1999). This is the original document which has been signed by the testator, myself and Mr.Dhananjay Chachad. I also saw medical certificate which was appended to the Will, which we all sign. The document is taken on record and marked Exh.A.

21-07-2006 (D.K.Deshmukh, J.)

R.O.& A.C.